



## The Case of the *Stanneries* stated :

*with the Grounds and Reasons of their Petition to the Honourable House of Parliament, together with the Answers to severall Objections that are usually made against them, humbly proposed.*

**T**H'E Tynners of *Cornwall* having serv'd out their time, wherein ( by the late Kings grant ) they were bound to the old Farmers and Preemptors, and being no longer able to preserve themselves and their Families from ruine by the low prizes and rates appointed to them formerly for their Tyn, in regard of the smal quantity that is made at present, and yet the excessive charg in digging and working of it, occasioned by the decay and discontinuance of their Mynes, the increase of Waters, the paucity of Labourers, and the great dearth of all Comodities, above double the ancient and usuall prizes, did therefore about 3. years sithence humbly Petition the *Parliament* that they might have the liberty and common priviledge of other Subjects, to sell and make the best advantage of their Tynn, paying the Coynage and all othe duties antiently due : Now though their request be but the common priviledge and Interest of English men, to which they were born, yet either through great opposition, or the greater and more important affayres of State, it hath bin their unhappines hitherto, not to obtaine the resolution of *Parl.* upon their Petition.

Tis true that there are not wanting many men, who have long, and still doe, make it their businesse ( upon what ground let others judge ) to amuse the *Parl.* with great pretences of some right to the Tyn, inherent lately in the Crown, as if the poore Tynners were born in chains, and more like *Indian* slaves then English men did work for others not for themselves, and by reason of these pretences they have bin forced with great expence to attend long with Council to argue their Rights, and during all that time, and long after complied with the Orders of the Committee of Revenue, and parted with their Tyn to Farmers appointed by them, though at a price imposed upon them, being 20. of 30. in every hundred weight below the Common and Current value

therof: But because they could not continue their work and maintaine their Families with such low prices after the expiration of one year and halfe they forbore any longer to part with their Tynn to the sayd Farmers, whereupon their issued an Order from the Committee of Revenue to forbid the Coynage of their Tyn, unlesse upon the acceptance of the former price with a prohibition for any to buy or sell, or suffer any Tynn to be exported, or Excise, or Customs to be taken; whereupon tis confessed, that after long expectation of some resolution in *Parliament*, most of the Tynners having no other meanes to preserve themselves, and their Families from perishing, when they could stand out no longer against the highest Law of necessity, were forced to sell their Tynn to any that would buy, and for this Crime, because they would not rather starve then disobey the sayd Order, they were in *September* last convented to appeare before some Commissioners, and required to take Oaths, to betray and confesse against themselves, and one another, how they had sold their Tynn; and because many of them declined the taking of such Oaths, *Ex officio*, in *December* following, a Messenger is sent downe, who *Subpena'd* them into the *Exchequer*, to appear and answer informations to be layd against them by the Kings Soliciter: Whereupon they knew no other course, but once more to renew their humble addresse by Petition to the *Parliament*; and that upon a better hopes and confidence then before, because of the *Parliament's* late proceedings ( for though all that the Tynners desire be no new thing or extraordinary immunity, but what their Predecessors enjoyed for many ages during the Reigne of many Kings, and which some yet living can remember to have enjoyed before the Forty third yeare of *Queene Elizabeth*, and therefore might have owned their suit under Monarchy: ) Yet much more are their hopes raysed at present, that since the *Parliament* have Declared against Kingly Government, no Prerogatives incident therunto, and to the prejudice of the People, will now be insisted on, nor any Monopoly or Restraint of free Trade receive countenance in a time when the Common and Native Freedome of the People is declared for, yet since tis desired that Preemption may yet be further unbowl'd and layd open, what this clamor of right pretended, amounteth to ( the matter of fact being truly set forth ) you may be pleased to observe what bottome and ground Preemption hath by any colour of Law, and thereby the equity and reason of the *Stannaries* Petition layd open in that which follows.

First, the Tynners do not deny the Kings Right *ad Stagnarium & Cundagium*; the Stannaries and Coynages, but the legality of Preemption, which is distinct from both: The Coynage Custome of 40s. payable out of every 1000<sup>d</sup>. weight of Tynn is confessed to be a right anciently belonging to the Earls of *Cornwall*, and annex'd afterward to the *Dutchy*, and as it cannot be proved, that for neer 200 yeares before the forty third yeare of *Queene Elizabeth*, there was any more payed to the Crown, so they are very willing and contented to pay it still: 'Tis likewise confessed, that the Earls of *Cornwall*, and some Kings of *England*, before *Edw. 1.* have made severall Grants of the Stannaries, and the profits thereof, but it was never proved that this amounted to more then a Grant of the ancient Custome before mentioned, and of the toll Tyn, and other emergent profits, when Tynn hath been digged out of any of the Princes Lands, and which are payed and payable to this day; for, that the right of Tyn working was by prescription; and *ab initio*, is manifest by ancient Historians, quoted by Judge *Dodrige* in his Book of the *Dutchy of Cornwall*, and diverse words in their ancient-st Charters, as *Sicut ab antiqua consuetudine, sicut hactenus usitatum, &c.* So that their Charters seem to be in the generall, rather confirmations of their old Customes, then indowments with any new Right, however they were great Acts of Grace as to some particular priviledges and immunities, and the ground of that Act made, 52. *Edward 3.* upon Prince *Richards* Petition, fully confirms those Rights which they had so gayned by Custome and ancient usage. And they acknowledged it likewise to be true, that by the Charter of 32. *Ed. 1.* the King reserves a power of Preemption in this Clause, *Nisi nos vel heredes nostri Stanni illud emere voluerint.* Which Charters and clause is believed to be the most specious and probable foundation of Preemption, because there is found no mention of the word in the elder times, nor ever any Grant of the Emption of Tyn, til after this Charter. Now if the nature and extent of this Preemption be examin'd, & what was the judgement of these times which succeeded that Charter down along to latter times within the memory of man, concerning Preemption, when ever it was in use, it will easily clear the whole business.

For the first, it doth appear, that it amounted to no more then a benefit and preferment of buying the Tynn before any Subject at the price current; or as the King and they could agree, as 'tis fully expressed in *Brighams* Patent, when after neer 200 yeares sleep it was revived in 43. *Queen Elizabeths*, which hath bin publicly and often acknow-

See *Dodrige*  
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*Cornwall*. lib  
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*John.*  
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*Edw. 1.*

ledged by the Councell that hertofore pleaded for Preemption; and that this Clause cannot reasonably be extended further may be proved by reason, and the very construction which the words in that Charter will bear, which immediatly precede this Clause, which are these, *Es quod omnes Stannatores nostri Stann' illud sic ponderatum licite vendere possint unicuique voluerint in villis predict' faciend' inde nobis Cansagium, & aliam consuetudines debitas & usitatas, nisi nos vel heredes nostri, &c.* By which they have leave to sell their Tyn to whom they will, unless the King will buy, and then it will follow, that he must buy as they can sell, which is to whom they will, or that offers most; otherwise the first and last Clause will seem to fight one against another; and this will more fully appear from the nature of the word it selfe, for the privilege and prerogative reserved in this Clause is *Pre-emption*, now all Emption doth presuppose a Contract, and as there is a correlation between the Contractors and the Contractee, so in every Contract of Emption, the Law of Nations requires two things, first a voluntary and mutuall consent of two parties, the buyer and the seller; and then the Tynner cannot be compelled to sell his Tynn against his will. And secondly, a proportion of price to the value of the commodity, and then the KING cannot impose a price upon their Tynn, and consequently cannot take it at his owne price, by any thing in this Clause.

Secondly, As to the judgement of every Age since that Charter, concerning Preemption when it was in use, it will appear that (though there have been but few presidents for it (not so many as for Shy-money) and but few Grants made of the Emption of Tyn by some of the Kings of *England*, and those still at the prizes which were then currant, and never imposed; for they desire it may be observed there never was, nor can be urged in any age till of late, the imposing of a price upon the Tynners goods; yet seldome or never were there any such Grants, but they were from first to last complained of as oppressions, and so presented in succeeding *Parliaments*; yea commonly made null, and revoked by those Kings that granted them, whereof you may take a short view in these particular Instances.

The first Grant found after this Charter of 33 *Edw. 1.* was made by his Son *Edw. 2.* to *Anthony de Pessaigne*, which was revoked in the 10. year of his Reign, and left by him to the Barons of the Exchequer (who could be no *Fermors*) to doe therein, *prout ante Concessionem predictam fieri solebat*; yet the same year there was another Grant made,

de *emptione* *Seagminis*, to one *Abington* the Kings Butler, which was afterwards revoked in the 14 year of his Reign upon those grounds that it was *in oppressione populi, & contra tenorem Chartę prius sui, &c.* and commands the Sheriff to make Proclamation throughout the County, that all Tynners that had any Tyn to sell after the Coynage, and Coynage due payd, might sell their Tyn (*prout dicit*) without any impediment or contradiction according to the Charter of his Father, wherein there is both a construction of that Charter, and the judgement of that time concerning Preemption.

The next Grant that appears to be made, was 12 *Ed. 3.* to *Richard Suthorp* and *Moneron* (upon pretence of the Kings most urgent occasions for the defence and saving of the Kingdome) to seize the Tyn of *Cornwall* and *Devon* into their hands for his use, yet so, that they should give good security for it; according to such a price as should be agreed betweene them and the Tynner; yet the same yeare upon complaint to the Parliament held at *Northampton*, there was a revocation of their Grant, and a restauration of the Tyn.

In the 21 year of *Edw. 3.* there was another Lease granted of the Tyn to one *Tydeman* of *Lymbrick*, which was complain'd of the same year in Parliament by the Merchants of *England*, for that the Tynne was ingrossed by one man; which was wont to be sold to all the Merchants of the Kindome; and receiving no satisfactory answer that Parliament, the Tynners of *Cornwall* Petitioned the next year in Parliament, that they might sell their Tynne to all that would buy it, without the restraint of the Prince, as they had done heretofore at all times.

From *Edw. 3.* downe along to *Edw. 6.* there is not found or urged any one Grant or Lease of the Emption of Tyn, though in the long intervall of that time, their Charters have been confirmed by all or most of the \*Kings that interven'd; yea, twice by *Henry the seventh*, in one of whose Charters, *viz. 27 Hen. 7.* this Clause concerning Preemption of *Nisi nos, &c.* is wholly declined and omitted, though it be well known he was a Prince, wise and wary, and had Instruments active enough to promote and execute what ever might advance his Revenue by any colourable pretence, from Prerogative or Law: And though 7 *Edw. 6.* there was then a Lease made to *Gilbert Brackhouse* of the Preemption of Tyn, with as much easinesse and respect to the Tynners as could be desired: *viz.* that he should give as much as any other Merchant had, or did give and sell, but at a halfe penny profit

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tous temps

\* *Viz. 8.*

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1 *Edw. 4.*

3 *H. 7.*

27 *H. 7.*

3 *H. 8.*

1 *Edw. 6.*

*Empton*

*Dudley.*

fit in every pound to others, yet this was revoked 1. *Q. Mary*, by the Lords of the Counsell as prejudiciall to the Tymer: So it continued free till the latter end of *Q. Elizabeths* Reigne, and then a Lease was granted to *Brigham* and *Wymes* for the first buying of Tyn, at such prices as they and the Tynners could agree, with the reservation of 2000 l. *per annum* rent to her Majesty and no more, yet this Lease was understood and comprehended by *K. James*, under the notion of a Monopoly, and an Invasion of the liberty of the Subject (as well as some other Patents) and so after long debate with his Councell, revoked by Proclamation in the first year of his Reign, as therein may at large appeare: 'Tis very true that 5. *Jacob. 2.* there being a glut of Tyn in the Country, more then the Kingdome, or Forraigne parts could take off, the Tynners easily consented to a new Farme of their Tynne, for the price then currant, of 28 l. *per* 1000. d. to the Tynner, and 2000 li. to the King, but within a few yeares after, that the gaine of the sole Emprion and transportation of their Tyn came to be felt and understood by the Merchants, Preemption was advanced to 8000. p. *per annum*, and so grew higher and higher, as the times grew worse, with some petty increase of price to the Tynner, till it came to 14000 l. *per annum*, and more, and so continued till the expiration of the late Farmers Patent, which was since the beginning of this Parliament. There remains onely two or three Objections more to be answered.

One is, That Tyn is a Royall Myne, because it hath a mixture of Silver in it.

*Ans.* There is not an ounce of Silver in many thousand weight, and the Judges of *England* have resolved it to the contrary, in Star-Chamber, as appeares in *Cookes Jurisdic.* of Court, and yet it were heretofore a favour, and for the Tynners advantage, to suffer his base Metall to goe under the name of a Royall Mine, so it might receive the same Justice: For the King had but a fifth part by Prerogative of all Royall Mynes, whereas a third part hath been taken out of the labours of the Tynner, by the horrible abuse of Preemption.

2. Another great Objection is, That if the Tyn were out of Farm, and at liberty, the Tynner would bee but a prey to every Merchant, and the Tynners by under-selling one another, would quickly destroy themselves, and all Tyn working.

*Ans.* This Objection though it be countenanced by wise men, is yet a Mystery, and it must necessarily argue a great weaknesse and want



want of Common discretion in the Tynner above other men, to dispose of his goods to his best advantage, from whence this must proceed, otherwise why should not the same mischief and inconvenience befall those that trade in Fish, and other not so choice commodities as this, peculiar to this Kingdome, and that County alone: But secondly, this inconvenience never followed but upon a glut of Tynas is before sayd, but there is no ground for this feare now, when the quantity is so small, that the Manufactures of the Kingdome are able to imploy neer the whole bulk of Tyn that is made in the yeare, as it is at present. Thirdly, admit that this would follow thereupon, cannot the Tynners, being a Corporation of themselves, contract with some few Merchants at such a price that they may have the Managery and trade of Tyn, but that not onely Merchants but prices must be imposed on them; and for this favour of making a bargain and sale of their goods, there must be one halfe, or a third part of the value of their goods default for a Revenue, this is such a grievance and misery, which no Subjects of England groanes under besides the Tynner; and then which tis beleevd, there is no particular oppression cries lowder in the eares of the *Parliament*, nor which in its redresse by them, will give a clearer demonstration to the Kingdome, that they really intend to break every yoake, and to let the oppressed goe free.

Another great Objection is, that this Concession of Liberty and Freedome to the Tynner, would be with the losse of a great Revenue to the State, as the Tynners taking leave of late, hath left the State all manner of Revenue for this yeare last past.

To this it is answered, First in generall, if by Revenue be meant that ancient Custome of 40s. per 1000 d. before expressed, they are very willing to pay it still, with all the Farmand Toll Tyn, and other profits anciently payable out of the *Stannaries*; but if by it be meant all that Revenue which grew by prevention, revived and heightened since these last and worst times, and for which many Kings of England never received a peny, if that be found to have the same bottome and foundation with other grievances taken away, and be either an abus'd Prerogative or a Monopely, tis beleevd no profit or advantage can prevaile with the justice of *Parliament* from bringing it under the same Law.

But secondly, 'tis certaine, the best way to advance a Revenue to the State, is by giving the Tynner the best encouragement, for then  
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there will be the more Tyn dig'd and wrought, and consequently the more money payd to the State, for the *Dutche* dues, Exise and Custom, whereas if they should be discouraged and kept under by oppressions, this is unavoydably like to follow, that knowing they cannot bee compelled to worke for Tynne, and cannot live poorer in any trade, that they quite give over their working in Tynne, and betake themselves to other employments, as they have done in *Devon* a'ready, which would of it selfe destroy all manner of Revenue, together with that ancient and staple Commodity, peculiar to this Kingdome and that County onely, and be an utter ruine to many thousand Families in *England*, whose livelyhoods depend on the Manufactures of that Commodity: And as to the losse of all manner of Revenue for the last yeare, let the blame be charged where it will lye; it cannot be reasonably charged upon the Tynner, who never denyed to submit to a Farme for a time, till the *Parliament* should determine their Rights, if they might have a considerable price: But being denyed such a price, together with the Coynage of their Tyn, and the acceptance of the ancient dues, though tendered their necessities notwithstanding, Inforced them to sell, which because they could not do in open Market, without Seizure and Forfeiture, to their best Merchants, they were glad to sell it to any, and so lost in the price of every hundred weight, more then the price of the ancient *Dutchey* dues amounted to, though they never sold it so low, but it was for much more then was offered, and to be payd by the Farmers.

And now if it be demanded what will satisfie the Tynner all he desires at length is, but that it may be declared that he hath and shall have free liberty and right to dispose of his owne Tyn to his best advantage, and consequently may not be under any restraint in price, or from the Farmers, by Preemption, or the Pewterers, or any other more then other Natives; Their next desire is, for the advantage of the State, that Coyriages, at the accustomed times and places, may be appoynted, that so dues may be received and payd.

Many lesser Grievances there are, in weights, and other things, which time and Tyranny has contracted upon them, which they desire may be regulated by a Convocation called among themselves, by Order from the Lord Warden.



